

The 16th June, 1986

No. 9/7/86-6Lab/4443 :—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Hissar Aviation Club, Hissar.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 8 of 81

Between

SHRI ROSHAN LAL MITTAL, WORKMAN AND THE MANAGEMENT OF M/S.
HISSAR AVIATION CLUB, HISSAR.

Present :—

Shri S.S. Gupta, A.R. for the workman.

Shri M.M. Kaushal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Roshan Lal Mittal and the management of M/s. Hissar Aviation Club, Hissar, to this Court, for adjudication, —vide Haryana Government Gazette Notification No. ID/HSR/163-A-75/57426, dated 21st November, 1980. —

Whether the termination of services of Shri Roshan Lal Mittal, was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the petitioner is that he was employed with the respondent as a Store Keeper since 1st January, 1965 and all through his work and conduct remained satisfactory but the respondent chose to terminate his services unlawfully w.e.f. 22nd June, 1976 and that the said order is illegal, unlawful and capricious on the ground that the petitioner was not afforded an opportunity of being heard before passing the order of removal. The punishing authority never held any domestic enquiry into the allegations levelled against him, not the punishing authority followed the provisions of section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). *Inter alia*, it is alleged that his services were dispensed with on account of personal vendetta. So, he has prayed that the order of termination be set aside and he be reinstated with continuity of service and full back wages.

3. In the reply filed by the respondent, preliminary objections taken are that since the petitioner left the employment of the respondent of his own, so the present dispute is not coverable under section 2A of the said Act and as such, the reference is bad in law. On merits, it is alleged that the petitioner joined the services of the respondent on 1st January, 1966 and not on 1st January, 1965 as alleged. It is also alleged that the work and conduct of the petitioner was unsatisfactory and besides that he remained absent from his duties w.e.f. 14th April, 1975 on words. It is also alleged that the applicant applied for leave on flimsy grounds on 29th January, 1975, which was allowed to him upto 13rd April, 1975 but the applicant did not turn up on 14th April 1975 and so because of his prolonged absence his services were dispensed with on 22nd June, 1975. It is further alleged that the management has never terminated the services of the petitioner as alleged. It is also alleged that the leave application of the applicant dated 18th April, 1975 sent through Shri Satya Ram was rejected, —vide notice dated 26th April, 1975 duly conveyed to the petitioner, who was issued a charge-sheet on 9th May, 1975, to which a reply was sent by the applicant which was not found satisfactory and thereafter affording many opportunities to the petitioner, his services were dispensed with. It is also alleged that a *prima-facie* case was established against the petitioner on the basis of charges contained in the charge-sheet dated 1st May, 1975 and thereafter a preliminary enquiry was conducted, in which, the applicant was afforded a reasonable opportunity and so the order dispensing with his services was legal and lawful. In the same breath, it is alleged that it is not a case of retrenchment but of abandonment of employment by the petitioner on account of his prolonged absence from his duties without reasonable grounds and so there was no necessity for issuing showcause notice against the petitioner. Additional pleas projected are that the petitioner remained gainfully employed with M/s. Haryana Cereals Ltd since the month of August, 1975 and as such, he is not entitled to any back wages and that this Court has no jurisdiction to try the present controversy, nor the Government of Haryana was competent to refer the dispute to this Court. It is further alleged that since the petitioner was employed as a Store Keeper, audit of the store was done by the Auditor's of the office of the Auditor General, Haryana Chardigah and detected certain irregularities and embezzlement of Oil, Petrol, Dope, Thinner and main wheel tyres. It is further alleged that the applicant had not taken the material on the stock register regarding Oil and Petrol and in this way mis-appropriated the same. The petitioner issued three main wheel tyres, though two were required to be issued and that the tyres were shown issued for an aircraft, which were declared unserviceable in the record of the club and so, it is alleged that because of various mis-conducts the petitioner was not fit person to hold post of Store Keeper in the respondent Club.

4. In the replication filed by the petitioner, he has controverted the various allegations made in the reply.

5. On the pleadings of the parties, the following issues were settled for decision on 22nd December, 1981 :—

(1) Whether the applicant abandoned his services by remaining wilfully absent ? If so, to what effect ?

(2) Whether the workman remained gainfully employed since August, 1975 ? If so, to what effect ?

(3) As per terms of reference.

6. Subsequently in furtherance of the amended reply filed by the respondent, the following additional issue was laid down for decision by me on 24th September, 1984 :—

Additional Issue No. 1

Whether the reference is bad in law ?

7. Both the parties were allowed to produce evidence. The workman appeared as his own witness as WW-1 and the respondent examined MW-1 Shri Ramesh Jha, Clerk-cum-typist, MW-2 Shri Rohtash Singh, Assistant Accounts Officer, MW-3 Shri Vijay Kumar Arora, Senior Auditor, MW-4 Shri S.P. Lamba, Joint Director MW-5 Shri B.K. Sharma, the then Administrator, Municipal Committee, Hissar and Shri L.M. Jain, Commissioner, and Secretary to Government Haryana, Department of Education, MW-7 Shri Dungan Singh, Peon and MW-8 Shri Subhash Chand, Accountant.

8. Learned Authorised Representatives of the parties heard.

Issue No. 1

9. The respondent is absolutely confused about his defence taken in the written statement. On the one hand, it is alleged that the petitioner abandoned his employment by remaining absent from duty beyond 13th April 1975, upto which date, his leave was sanctioned, though it is pleaded that the petitioner proceeded on leave without getting the same sanctioned from 29th January 1975 onwards. So, it is alleged that the management has not in any way terminated the services of the petitioner. This is the reference taken by the respondent in paragraph number 1 of the reply on merits. In paragraph number 3 of the reply on merits, it is alleged that a charge-sheet was issued to the petitioner, to which, a reply was filed by him. A *prima-facie* case was established against him and so, the respondent was constrained to dispense with his services after conducting a preliminary enquiry in the matter in which, the petitioner was afforded reasonable and fair opportunity to defend himself. These two defence pleas are absolutely contradictory. Either it can be a case of abandonment of employment by the petitioner or it would be a case of termination of his services by the respondent. Undisputedly the petitioner was placed under suspension—*vide* order dated 8th May, 1975 Ex. W-1. The removal order was passed by the Manager of the respondent Club, who also happen to be Deputy Commissioner, Hissar,—*vide* his detailed order dated 18th June, 1975, copy of which, is Ex. MW-6/A. The same was conveyed to the petitioner through a memo dated 22nd June, 1975, copy of which is, Ex. W-4. I have gone through the order passed by Shri L.M. Jain the then Deputy Commissioner, Hissar, who was also functioning as Manager of the respondent Club. A reading of the said order will go to show that no domestic probe was held against the petitioner. Without holding any enquiry into the alleged misconduct of the petitioner Shri Jain observed in his order as under :—

“Misconduct of Shri R.L. Mittal (petitioner) in absenting himself from duty without proper justification and failing to resume duty even on 14th April, 1975 and sending fake medical certificates etc. in support of his assumed illness are such that I consider him unfit to continue on his job in the Club any more.”

10. I failed to understand as to how Shri Jain can give categorical findings that the medical certificates sent by the petitioner were faked one and that the petitioner was feigning illness. Shri Jain further observed in paragraph number 2 of his order and I quote :—

“As regards handing over charge before proceeding on leave the matter regarding charge having been received by Shri R. Nandi may be further looked into. For the present, however, no adverse inference can be drawn against Shri R.L. Mittal (petitioner) with regard to the allegation of not handing over charge”.

11. After passing the extreme order of removal against the petitioner, no purpose would have been served in holding a probe as to whether the petitioner handed over the charge to Shri Nandi or not before proceeding on leave. The learned Authorised Representative of the respondent Shri Kaushal vehemently contended that the medical certificates, copies of which, are Ex. M-43 and M-44 are on the face of it bogus, because the alleged fitness certificate Ex. M-44 is dated 15th April, 1975 and this was the date on which the sickne

certificate was issued to the petitioner. Furthermore, in the fitness certificate there is a recital that the petitioner was under the treatment of the Doctor from 15th April, 1975 to 15th July, 1975. If the petitioner was under treatment up to 15th July, 1975, how is it that he could be found fit to resume his duties on 22nd May, 1975,—*vide* fitness certificate dated 15th May, 1975. There is no gainsaying the fact that certain suspicious circumstance surrounds the issuance of the fitness certificate but from the same it can be held that the petitioner was feigning illness because there can be error on the part of the Assistant Surgeon Civil Hospital Raigarh in mentioning dates in the fitness certificate. The petitioner did send a telegram dated 15th July, 1975 for extension of leave by one month. The same was received by the respondent on 18th April, 1975. Leave was not sanctioned. The petitioner was asked to resume his duties. He was placed under suspension on 8th May, 1975. A charge-sheet was issued to him, which is dated 9th May, 1975. The petitioner also filed a reply to the charge-sheet after returning from leave on 24th May, 1975 but in the mean time, the respondent had made up its mind to remove the petitioner from employment,—*vide* order dated 18th June, 1975 conveyed to the petitioner,—*vide* memo dated 22nd June, 1975. So in my opinion, the plea of abandonment of employment by the petitioner has not proved, because the respondent had passed a detailed order giving reasons for the removal of the petitioner from employment. The pleas of abandonment and removal are absolutely incompatible. So, there is no difficulty in holding that there was no abandonment of employment by the petitioner as alleged by the respondent. Shri L.M. Jain the then Manager of the respondent Club, who appeared in the Court as MW-5 admitted in his statement that since the petitioner was not responding to the notice issued to him to resume his duties he was of the opinion that it will not be reasonable practicable to hold domestic enquiry against the petitioner before passing the order of removal. In my opinion no reasonable ground exist for the respondent not to hold a proper domestic probe before terminating the services of the petitioner, because beside the allegations of absenteeism without leave there were other charges against the petitioner though, no mention was made of the same in the order of removal, but the respondent has placed on record a plethora of documents alleging various acts of omission and commission on the part of the petitioner. It will not be very proper for this Court to make any observation regarding the genuineness or otherwise of the alleged allegations against the petitioner, but the respondent could not have made up its mind without holding a proper probe into the same. The learned Authorised Representative of the respondent contended that no Rules or Regulations enjoined upon the respondent to hold such a probe and as such, the respondent was justified in passing the order of removal on the basis of preliminary enquiry held against the petitioner. The contention is self defeating. Even it is not on record as to what type of preliminary enquiry was held and by whom and what were its findings. Certain papers were put up before Shri Jain the then Manager, who came to the conclusion that the petitioner was not a fit person to be retained in employment and as such, he passed an order of removal. This action of the respondent violates the often sacrosanct principle of natural justice. So, the crux of my fore going discussion is that there was no abandonment of employment by the petitioner and that he was removed from service by the respondent without holding any enquiry into the alleged acts of misconduct committed by the petitioner during the tenure of his employment. So, this issue goes against the respondent.

Additional Issue No. 1

12. This issue was not pressed on behalf of the respondent, because the plea of abandonment has not been proved as the Manager of the respondent Club passed the order of removal against the petitioner.

Issue No. 2

13. There is no denying the fact that the petitioner joined M/s. Haryana Concast Ltd Hissar in the month of September, 1975 on a monthly salary of Rs. 420. This fact is not denied by the petitioner. The petitioner remains employed as such with M/s. Haryana Concast Ltd, Hissar till today. So, there is no dispute from September, 1975 onwards the petitioner has remained gainfully employed.

Issue No. 3

14. It has already been held that the order of removal passed against the petitioner dated 18th June, 1975 conveyed to him through memo, dated 22nd June, 1975, copy of which is Ex. W-4 was unlawful, arbitrary and capricious. Now, the question would be as to what relief should be given to the petitioner. Normally when the order of removal/termination/dismissal is displaced, reinstatement follows, but in the present case, facts are peculiar. After removal of the petitioner from employment as a Store Keeper in the month of June, 1975, a new incumbent was appointed, because the post of the Store Keeper could hardly be left vacant. So, that could mean that the new appointee has been at the job for the last less than eleven years. The question would be as to whether it will be fair on the part of this Court to throw this man out of employment, because there is one post of Store Keeper in the respondent Club at Hissar. The unit where the petitioner is employed at the moment is a Haryana Government undertaking and is a much bigger concern than the respondent Club, which is being primarily funded by largesse from the Director Civil Aviation, Government of India, because the respondent Club is granted subvention to the extent of 75% of the expenses. Furthermore, it cannot be held that the petitioner can have any brighter career prospect in the respondent Club than in the concern, in which, he is posted at present. The respondent Club has placed on record a comparative statement of the salary the petitioner would have drawn from the respondent Club and the salary he is being paid by M/s. Haryana Concast Ltd, Hissar right from September, 1975 till the month of December, 1985. The correctness of the same has been accepted by the petitioner on 5th May, 1986, the date on which arguments were heard. Till today the petitioner has suffered a loss of Rs. 5,415-15 including wages for the period he remained unemployed. So, in less than eleven years the petitioner has hardly suffered any financial

loss. The loss if any, suffered by him can be made up by awarding him compensation, because relief of reinstatement will throw out the present incumbent from employment and will push him into the vortex of administrative quagmire. So, any marginal gain of the petitioner would be a big loss to the man who shall be thrown out of employment. So, relief of reinstatement, in the present case, would not be fair and proper. Under these circumstances, in lieu of relief of reinstatement, I award a sum of Rs. 10,000/- as compensation, partly to make up financial loss already suffered by him and partly to assuage his frayed feelings that he has been unlawfully removed from service. The reference is answered and returned accordingly with no order as to cost.

Dated 6th May, 1916

B.P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst No. 8-81/698 dated 8th May, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak

KULWANT SINGH,
Secretary to Government, Haryana,
Labour and Employment Department.

श्रम विभाग

आदेश

दिनांक 11 जुलाई, 1986

सं० ओ.वि./एफ.डी./292-85/24062.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० दी हरियाणा शहरी विकास प्राधिकरण, सेक्टर 16, फरीदाबाद, के श्रमिक श्री पुष्पति मंडल, पुत्र श्री विकल मंडल माफत श्री नन्दकिशोर मंडल, कोठी नं० 556 सेक्टर 15 फरीदाबाद तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निदिष्ट करना वांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-श्रम-68/15254, दिनांक 20 जून, 1978, के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम 58/11245, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निदिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या उक्त विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री पुष्पति मंडल की सेवाओं का समापन न्यायोचित तथा ठीक है? यदि नहीं, तो वह किस राहत का हकदार है?

सं० ओ.वि०/पानी/50-86/24110.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० अम्बिका स्पीनर्ज, इण्डस्ट्रीयल एरिया, पानीपत, के श्रमिक श्री प्रेम प्रकाश, पुत्र श्री बेला राम माफत टैक्सटाईल मजदूर संघ, जी०टी रोड, पानीपत तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निदिष्ट करना वांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 3(44)84-3-श्रम, दिनांक 18 अप्रैल, 1984, द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, अम्बाला, को विवादग्रस्त या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निदिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या उक्त विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री प्रेम प्रकाश की सेवाओं का समापन न्यायोचित तथा ठीक है? यदि नहीं, तो वह किस राहत का हकदार है?

सं० ओ.वि०/एफ०डी०/गुडगांव/27-86/24117.—चूंकि हरियाणा के राज्यपाल की राय है कि (1) मै० परिवहन आशुक्त हरियाणा, चण्डीगढ़, (2) जनरल मैनेजर, सेंट्रल वाडी बिल्डिंग वर्कशाप, हरियाणा रोडवेज, रिवाड़ी, के श्रमिक श्री पूर्ण चन्द, पुत्र श्री किशन चन्द, गांव राजपुरा, पोस्ट आफिस पलवल (फरीदाबाद) तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निदिष्ट करना वांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947, की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3 श्रम/68/15254, दिनांक 20 जून, 1978 के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम 57/11245, दिनांक 7 फरवरी, 1958, द्वारा उक्त

अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जोकि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री पूर्ण चन्द, पुत्र श्री किशन चन्द की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

सं० ओ०वि०/एफ०डी०/गुडगांव/23-86/24124.—चूंकि हरियाणा के राज्यपाल की राय है कि (1) मै० परिवहन आयुक्त, हरियाणा, चण्डीगढ़, (2) हरियाणा रोडवेज, रिश्वाड़ी के श्रमिक श्री गुरबक्स लाल, पुत्र श्री राम लाल, मार्फत एस०के० यादव, सेबर ला एडवोकेट, गुडगांव तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-श्रम-68/15254, दिनांक 20 जून, 1978 के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम-57/11245, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा सम्बन्धित मामला है :—

क्या श्री गुरबक्स लाल, पुत्र श्री राम लाल की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं, तो वह किस राहत का हकदार है ?

सं० ओ०वि०/एफ०डी०/97-86/24131.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० फयूज बेस इण्डिया, लि., प्लॉट नं० 7, सेक्टर 27-ए, फरीदाबाद, के श्रमिक श्री जैमल अहमद, पुत्र राजा बन्दा खा, मकान नं० 15-30, शेरपुरी कलोनी, बड़कल झुग्गी नं० 30, फरीदाबाद तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खंड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-श्रम-68/15254, दिनांक 20 जून, 1978 के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम-57/11245, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे संबंधित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जोकि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा संबंधित मामला है :—

क्या श्री जैमल अहमद की सेवा समाप्त की गई है या उसने स्वयं त्यागपत्र दे कर नौकरी छोड़ी है ? इस बिन्दु पर निर्णय के फलस्वरूप वह किस राहत का हकदार है ?

सं० ओ०वि०/गुडगांव/33-86/24138.—चूंकि हरियाणा के राज्यपाल की राय है कि मै० मुख्य प्रशासक, हरियाणा अरबन डिवेलपमेंट अथोरटी, चण्डीगढ़, (2) इस्टेट आफिसर हरियाणा अरबन डिवेलपमेंट अथोरटी, गुडगांव के श्रमिक श्री सुरेन्द्र सिंह, पुत्र श्री प्यारे लाल, मकान नं० 479, सेक्टर 17, गुडगांव तथा उसके प्रबन्धकों के मध्य इसमें इसके बाद लिखित मामले में कोई औद्योगिक विवाद है ;

और चूंकि हरियाणा के राज्यपाल विवाद को न्यायनिर्णय हेतु निर्दिष्ट करना वांछनीय समझते हैं ;

इसलिए, अब, औद्योगिक विवाद अधिनियम, 1947 की धारा 10 की उपधारा (1) के खण्ड (ग) द्वारा प्रदान की गई शक्तियों का प्रयोग करते हुए हरियाणा के राज्यपाल इसके द्वारा सरकारी अधिसूचना सं० 5415-3-श्रम-68/15254, दिनांक 20 जून, 1978 के साथ पढ़ते हुए अधिसूचना सं० 11495-जी-श्रम/57/11245, दिनांक 7 फरवरी, 1958 द्वारा उक्त अधिसूचना की धारा 7 के अधीन गठित श्रम न्यायालय, फरीदाबाद, को विवादग्रस्त या उससे सुसंगत या उससे सम्बन्धित नीचे लिखा मामला न्यायनिर्णय एवं पंचाट तीन मास में देने हेतु निर्दिष्ट करते हैं जो कि उक्त प्रबन्धकों तथा श्रमिक के बीच या तो विवादग्रस्त मामला है या विवाद से सुसंगत अथवा संबंधित मामला है :—

क्या श्री सुरेन्द्र सिंह, पुत्र श्री प्यारे लाल की सेवाओं का समापन न्यायोचित तथा ठीक है ? यदि नहीं तो वह किस राहत का हकदार है ?

जे० पी० रतन,
उप-सचिव, हरियाणा सरकार,
श्रम विभाग ।